

IN THE SUPREME COURT OF THE STATE OF DELAWARE

PETER KOSTYSHYN,

Defendant Below,
Appellant,

v.

STATE OF DELAWARE,

Plaintiff Below,
Appellee.

§

§ No. 398, 2012

§

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§

§ Court Below—Superior Court

§ of the State of Delaware, in and

§ for New Castle County

§ Cr. ID 0902010151

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Submitted: August 30, 2012

Decided: August 31, 2012

ORDER

This 31st day of August 2012, it appears to the Court that, on August 16, 2012, the Clerk's office issued a notice to appellant to show cause why this appeal should not be dismissed for his failure to diligently prosecute the appeal by not complying with the Court's directive to file an amended notice of appeal by August 13, 2012. The appellant has failed to respond to the notice to show cause within the required ten-day period; therefore, dismissal of this action is deemed to be unopposed.

NOW, THEREFORE, IT IS HEREBY ORDERED, pursuant to Supreme Court Rules 3(b) and 29(b), that the within appeal is DISMISSED.

BY THE COURT:

/s/ Jack B. Jacobs

Justice